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**Remarks****General**

Many auto-locking belay devices are designed to lock on a rope only when sufficient forces from the rope act on the device such as are experienced during the fall of a climber attached to the rope. These devices allow slow passage of rope without locking, but lock if the rate of rope passage reaches a certain threshold. This allowance for slow passage of rope is not considered to be "overriding" the function of the device, but rather to be an integral part of the function of the device. There are times, however, when the normal function of the device must be manually overridden because there are times when a belayer must pull rope through the device at a rate that meets or exceeds the threshold level. Many auto-locking belay devices therefore have some means to be overridden. Often, a handle that is affixed to a locking cam serves as an override mechanism. By grasping the handle firmly, the belayer can prevent rotation of the locking cam, thereby overriding the locking function of the device.

As described in the Specification, the subject invention is a safety mechanism for an auto-locking belay device. It is an override mechanism that responds differently to different force or pressure levels. Most importantly, if an intermediate force is exerted, it overrides the auto-locking function of the belay device such that rope can pass rapidly through the device without locking, but, if a higher force is exerted, it does not override the auto-locking function thereby allowing the belay device to lock the rope by way of its auto-locking function. The subject invention functions as a safety mechanism because it has been observed that a belayer tends to exert greater force on the device if he or she panics. Thus, if a belayer has overridden the auto-locking function of the belay device in order to feed rope out quickly to a climber, and the climber falls causing the belayer to panic, the override function will be deactivated by higher force from the belayer, causing the auto-locking function to be reactivated. Normally, if a climber falls when the belayer has overridden the auto-locking function and the belayer doesn't panic, the belayer should release any force on the override mechanism, thereby also causing the auto-locking function to be activated.

The applicant believes, therefore, that the applicable prior art concerns the field of auto-locking belay device override mechanisms, rather than auto-locking belay devices themselves and, in particular, auto-locking belay device override mechanisms that behave differently depending on different levels of force or pressure exerted upon them.

### **Specific To The Examiner's Comments**

**Examiner's Comment** - The Abstract should delete legal terms such as "means".

**Response** - The abstract has been amended accordingly. The word "means" has been replaced with "mechanism".

**Examiner's Comment** - Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Mauthner(US6378650) or under 35 U.S.C. 102(e) as being anticipated by Hewlett et al(US6561313) or Petzl et al(US 2004/002079A1).

See the entire disclosures for each of the documents.

**Response** - After thoroughly reviewing the entire disclosures for each of the documents cited by the examiner, the applicant can find no basis for the rejection of claims 1-3. Therefore, the applicant respectfully requests that claims 1-3 be allowed in their original form. If the examiner continues to believe that the aforementioned disclosures form a basis for rejection of these claims, the applicant respectfully requests that the examiner cite specific text or features used as the basis for the determination.

**Regarding Mauthner(US6378650)** - The device presented is indeed an auto-locking belay device with a manual override mechanism in the form of a handle. The handle can be grasped so as to prevent rotation of a locking cam, thereby preventing locking of the rope. Though the device is symmetrical such that rope can be threaded without concern as to which end is the load end and which end is

the free end, at any one time only one end of the rope is loaded. Therefore, the device will rotate in only one direction to lock the rope automatically, it being the weight from the load end that causes the locking rotation of the cam.

Although the device contains an override mechanism, activation of the override mechanism is not pressure sensitive in the way described in Claim 1 of the subject invention. In order to activate the override mechanism, the belayer would have to exert a force on the handle in a direction opposing the natural auto-locking direction. Unlike the subject invention, with this device higher pressure in that same direction does not cancel the override and reactivate the auto-locking function. Although extremely high pressure in this same direction could conceivable cause the rope to lock, against the stop on the opposite side from that of the auto-locking side, this would not be an auto-locking type of lock but a lock based fully on the strength of the belayer. Under this form of high pressure exerted by the belayer, the auto-locking function is still overridden but a different type of manual locking comes into play. Also, based on the geometry of the device, it is highly unlikely that the belayer could exert enough force in this case to actually stop the passage of rope. It should be noted that Mauthner's patent makes no claim of being able to lock the rope in this manner.

**Regarding Hewlett et al(US6561313)** - The device presented is indeed an auto-locking belay device with the ability to be manually overridden. The patent describes a downward force on the back end of the device as releasing (overriding) the locking function of the device. Unlike the subject invention, a higher downward force does not remove the override function but, rather, it improves it. "The more the main body 12 is moved away from the locked position, the faster the rope 34 will be released through the main body 12 about the slidable pin 40 and the faster the climber will descend." This type of behavior, cited by Hewlett et al, is exactly the problem that the subject invention

solves. If a belayer were to panic, in the manner described above, using Hewlett's device, a climber could fall to his/her death.

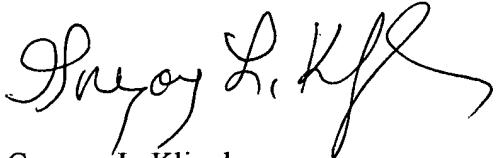
**Regarding Petzl et al(US 2004/002079A1)** - The applicant can find no reference to an override mechanism at all, let alone to an override mechanism that is force/pressure sensitive in the manner of the subject invention. Further, Petzl's auto-locking device is very limited to a situation in which the rope is secured to a fixed point. Although Petzl's centrifugal clutch allows slow passage of rope without locking, this is not an override function but rather a normal function of many auto-locking belay devices. With this device, rapid passage of rope in the same direction as would be experienced during a fall, would always lead to locking of the device. There is no mechanism presented to manually override this locking function.

**Examiner's Comment** - Claims 4-5 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

**Response** - Based on the applicants position that Claims 1-3 should be allowed as originally presented, the applicant respectfully requests that Claims 4-5 also be allowed as originally presented.

The applicant believes that the application has been amended so as to be proper and allowable. If, for any reason, this application is not believed to be in full condition for allowance, the applicant respectfully requests the constructive assistance and suggestions of the Examiner pursuant to M.P.E.P. 2143.02 and 707.07(j) in order that the undersigned can place this application in allowable condition as soon as possible and without the need for further proceedings.

Very respectfully,

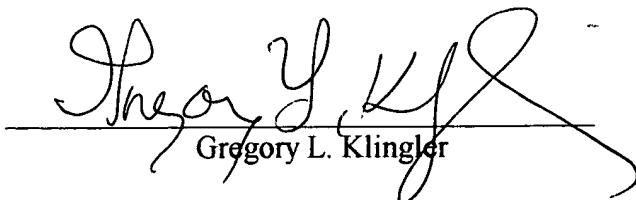


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2004, June 26



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Gregory L. Klingler